1913

File No. Parts II/43

Legal Department

B BRANCH

Subject: Rules and Notifications under the Indian Ports Act, 1908.

D/E

File No. Parts II/43

46-B

Gen. 194 e.

Draft Reply.

Office of the R.L.A.

Subject to the following remarks, the draft rules as amended are in order.

2. It is true that the Government of India State in their letter dated 24th December 1938 that the rules than promulgated by them different from the draft rules published by the Governments of the maritime provinces under section (6)(2) of the Indian Ports Act, 1908, in form only and that republication of the new rules for criticism was not necessary. Since then, however, the rules have been further amended by the Government of India and the amendments made on 30th April 1941, inserting new rule 60A and the amendments made on the 3rd June 1941 sub-tituting rules 70 to 73 for old rule 70 cannot be considered to be of form only. They impose fresh obligations upon vessels and in view of section 6(2) of the Indian Ports Act, 1908, it is necessary to publish the draft rules provisionally. The revised draft provides accordingly.

3. Rule 2.- The definitions have been arranged alphabatically.

Clause (6).- It is for the consideration of General Department whether for the word

"India" the words "Province of Bombay" may be substituted as suggested by the Director of Public Health at page 80 ante.

4. Rule 15.- This rule and rule 68 have been revised so as to refer to the local authorities in general. G.D. should verify whether they carry out the object in view.

5. Rule 23(1).- This rule has been revised on the lines of rule 24(a)(1).

6. Rule 32.- The second paragraph under the heading "suspected vessel" provides for the Provincial Government notifying any area in which there is a certain epidemic. Corresponding provision occurs in rule 35 and rule 41. Similar notifications will be issued by the Central Government under the corresponding provisions contained in the rules relating to major ports. It is for the consideration of General Department if it would not be sufficient for the purposes of the rules to rely on the notifications issued by the Central Government only.

7. Rule 46(a) (1).- This rule has also been revised on the lines of rule 24(a)(1).

8. Rule 55.- The reference to Burma and Strait Settlements have been omitted. It is presumed that no telegraphic report will have to be sent to these places reconquered.

9. G.D. draft rule 60A.- It has been renumbered as revised draft rule 61 and subsequent rules have been renumbered.

10. Rule 63(1)(i).- It is presumed that the list of ports issued by the French Office International d'Hygiene Publique is at present valid and that no change is necessary.

11. G.D. draft rule 65(4).- This rule is not understood. Revised draft rule 66(4) provides for the charging of fees for the issue of deratisation certificates and deratisation exemption certificates issued under rules 64 and 65 by the Health Officers of the ports to which the rules apply. It is presumed this is what G.D. intends to provide.

12. The note at the bottom of the Form of the health report refers to a surgeon. In the rules there is a reference to the medical officer of the vessel. It is presumed that no change is necessary in the Note.

13. Schedule A to G.D. draft notification Government Notification, General Department No. 3364, dated 15th September 1884 issued under sections 11 and 12 of the Bombay City Sanitary Regualtion Act, 1867 (Bom. VI of 1867) in its application to the Port of Bombay has already been superseded by the Government of India.

Contd.

It does not apply to minor ports and should not be included. It has therefore been omitted. Similarly Government Notification, General Department No.728 dated the 29th January 1918 which has been superseded by the Government of India applied only to the Port of Bombay. It has also therefore been omitted. The notifications proposed to be superseded have been specified in the margin of the draft notification and have not been relegated to a schedule at the end.

14. Revised Schedule.- The spelling and designation of the various ports mentioned in G.D. draft is apparently based on the wording of Government Notification, General Department No. 1594/33, dated 7th December 1936 The names of these ports have been corrected wherever necessary and brought in line with the names as given in the First Schedule to the Ports Act. It may be pointed out that entry No. 35 relating to the port of "Kirnapani" under Southern Group of Ports in Part III of the Schedule has been deleted by Government Notification, Revenue Department No.C.1270 dated 15th December 1939. Entry relating to this port has therefore been omitted. G.D. may verify whether the revised Schedule is in order.

Id/--P.N.M.
Remembrancer of Legal Affairs.
U.R.to G.D.,No.215, dated the 9th January 1943.

MM 16/7-

Office of the R?L.A.

A revised draft notification is sent herewith. A clause is added at the end to make if clear that the amendments shall remain in force during the continuance of the present war. The R.D . should consider whether a further period, say 12 months, should not be allowed during which the amendments should continue to remain in force.

2. As the proposed amendments are technical R.D. should verify whether the revised draft carries out its intention.

Id/- P.N.M.
2/12
Remembrancer of Legal Affairs.

U.R. to R.D.No. 8910, dated the 2nd December 1943.

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16/7-.

NOTIFICATION.

Revenue Department.

Bombay Castle, 1943.

Indian Ports Act, 1908.

No.7116/33.- The following draft of a notification which it is proposed to issue under clause (g) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908) is published, as required by sub-section (2) of the said section 6, for the information of all persons likely to be effected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the

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2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government

Draft Notification.

In exercise of the powers conferred by clause (g) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908) and of all other powers enabling it in this behalf the Government of Bombay is pleased to amend the rules published in Government Notification in the Revenue Department, No. 7116/33, dated the 19th June 1942 (hereinafter referred to as the "said rules") as follows, namely:-

1. In clause 2 of the schedule to the said

rules -

(1) after sub-clause (i) the following shall be inserted, namely:-

"provided that if such chain is not available, steel wire rope of 2" of tested quality may be used; and if such wire rope is not available, one hundred and eighty fathoms of 6" manilla rope may be used."

(2) after sub-clause (ii) the following shall be inserted, namely:-

"provided that if anchors weighing ~~maximum~~ ~~thereof~~ eight cwts. each are not available, anchors weighing not less than four cwts. each, such as five-pointed country anchors of four cwts. each may be used, subject to the condition that they have the greatest holding power in the event of cyclonic weather and heavy floods in the creek and a spare wire rope is carried in addition."

(3) after sub-clause (iii), the following shall be inserted, namely:-

"provided that if such manilla rope is not available, coir rope of 67 of the first quality may be used."

(4) after sub-clause (iv) the following shall be inserted, namely:-

"provided that if such coir rope is not available coir rope of not less than 6" of the first quality, guaranteed of strength, easy handling and durability may be used.

Contd.

"provided further that if equipment of the required quality and standard is not available, the owner of the vessel shall provide the vessel with additional equipment sufficient for the safety and protection of the vessel in the event of cyclonic weather or heavy floods in the creek."

2. The amendments made by this notification in the said rules shall remain in force only during the continuance of the present war.

By order of the Governor of Bombay,

Secretary to Government.

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